

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

AUG 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

1998 Biennial Regulatory Review --)
47 C.F.R. Part 90 - Private Land Mobile)
Radio Services)

WT Docket No. 98-182
RM-9222

Replacement of Part 90 by Part 88 to Revise)
the Private Land Mobile Radio Services and)
Modify the Policies Governing Them)

PR Docket No. 92-235

Examination of Exclusivity and Frequency)
Assignments Policies of the Private)
Land Mobile Services)

**MOTION OF THE AMERICAN AUTOMOBILE ASSOCIATION
FOR LEAVE TO FILE SUPPLEMENTAL COMMENTS**

The American Automobile Association ("AAA"), by its attorneys and pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, hereby requests that the Commission accept AAA's supplemental comments in response to the Commission's *Notice* in the above-referenced matter. 1/

In the *Notice*, the Commission sought comment on the question of whether, and how, it should lift restrictions on thirty UHF channels presently limited to use for shore-to-vessel communications (the "Dockside" channels). The *Notice* proposed to open these thirty channels for any type of low-power use, rather

1/ 1998 Biennial Regulatory Review -- 47 C.F.R. Part 90 - Private Land Mobile Radio Services, WT Docket No. 98-182, Notice of Proposed Rulemaking (rel. October 20, 1998) ("*Notice*"). AAA did not file comments in response to the *Notice*, but it is a member of the Land Mobile Communications Counsel, which did file comments.

than just for cargo handling. Parties filing comments on this issue, including the LMCC, were supportive of the Commission's proposal to lift these restrictions.

In its supplemental comments, AAA goes one step further than the Commission's original proposal and requests that the Commission eliminate the power restriction on eight of the thirty Dockside channels. AAA's proposal provides substantial public benefit and is fully consistent with the deregulatory goals underlying the biennial review process. 2/ Specifically, AAA's proposal would eliminate restrictions that prevent the most efficient use of the eight Dockside channels, and prevent emergency road service providers and others from efficiently using the eight corresponding Auto Emergency channels.

Accepting AAA's supplemental comments at this time would allow the Commission to consider these issues on a more complete record. 3/ Attached to AAA's comments are a variety of materials that are highly relevant to this

2/ Notice at ¶ 1 ("As part of our biennial review of regulations required under Section 11, we believe it is appropriate to review all of our regulations relating to administering wireless services . . . to determine which regulations can be streamlined or eliminated.").

3/ See, e.g., *Implementation of Section 302 of the Telecommunications Act of 1996: Open Video Systems*, 11 FCC Rcd 20227, 20255 n.155 (1996) ("We find good cause for accepting the pleading and that the public interest is served because accepting the pleading will allow the Commission to consider the issues raised on reconsideration on a more complete record."); *Dominion Video Satellite, Inc.*, 10 FCC Rcd 12743, 12744 (1995) ("We believe that it is in the public interest to base our decision in this proceeding on a full and complete record. Accordingly, pursuant to Rule 1.3, we find good cause to waive the filing deadline established in Rule 1.45, and will accept Directsat's late-filed Opposition.").

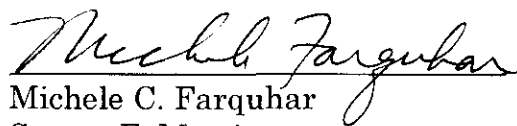
proceeding, many of which were not available at the time comments were filed earlier this year.

No party would be prejudiced if the Commission were to consider AAA's comments at this time. AAA has served a copy of its comments on all participants in the proceeding, and all parties are free to respond through *ex parte* presentations or, with Commission approval, through supplemental reply comments.

Accordingly, for all the reasons explained above, good cause exists for the Commission to accept for filing AAA's supplemental comments.

Respectfully submitted,

**AMERICAN AUTOMOBILE
ASSOCIATION**

A handwritten signature in cursive script, appearing to read "Michele Farquhar".

Michele C. Farquhar
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Its Attorneys

August 26, 1999

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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Assignments Policies of the Private)	
Land Mobile Services)	

**SUPPLEMENTAL COMMENTS OF THE
AMERICAN AUTOMOBILE ASSOCIATION**

The American Automobile Association ("AAA"), 1/ by its attorneys,
hereby submits its supplemental comments in response to a single issue raised in
the Commission's *Notice of Proposed Rulemaking* in the above-referenced docket. 2/

1/ AAA, the nation's leading provider of emergency road services, is the frequency coordinator of the Emergency Road Service channels (*i.e.*, those channels that must be coordinated by AAA pursuant to the *Second Memorandum Opinion* in the Refarming docket. See *Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Rules Governing Them*, Second Memorandum Opinion and Order, FCC 99-68 at ¶ 16 (rel. April 13, 1999) ("*Second Memorandum Opinion*") (designating AAA as exclusive coordinator of the former Auto Emergency channels based on the important public safety role played by emergency road services).

2/ *1998 Biennial Regulatory Review -- 47 C.F.R. Part 90 - Private Land Mobile Radio Services*, WT Docket No. 98-182, Notice of Proposed Rulemaking (rel. October 20, 1998) ("*Notice*").

Specifically, AAA requests that the Commission eliminate the power restriction on eight of the thirty frequencies now designated for shore-to-vessel communications (see Attachment A), and designate AAA as the sole coordinator of those frequencies. AAA's proposal would help alleviate the shortage of private radio spectrum by opening these channels to auto clubs and other Industrial/Business Pool eligibles for high-powered use.

I. THE COMMISSION SHOULD ELIMINATE THE POWER RESTRICTION ON EIGHT OF THE DOCKSIDE CHANNELS.

As explained in the *Notice*, the current Part 90 rules designate thirty frequencies for shore-to-vessel communications (the "Dockside" frequencies or channels). *Notice* at ¶ 4. At the request of PCIA, the Commission proposed in the *Notice* to permit use of the Dockside frequencies for voice and non-voice operation for cargo handling purposes. *Id.* at ¶ 7. The Commission also sought comment on whether it should open the Dockside frequencies to any type of low power use, rather than limiting use of those frequencies only for cargo handling purposes. *Id.* Commenters generally supported the Commission's proposal.

AAA supports the Commission's proposal as well, but in these comments AAA asks the Commission take the further step of eliminating the 2-watt power restriction on eight of the UHF Dockside channels. ^{3/} These eight Dockside channels potentially can be paired with Emergency Road Service channels (see

^{3/} 47 C.F.R. 90.35(c)(11) imposes a 2-watt power restriction on the Dockside channels.

Attachment A). However, because of the current power restrictions on the Dockside channels, emergency road service providers and other users are not lawfully able to fulfill the potential of the corresponding Emergency Road Service channels by pairing them for use with high-powered mobile relay stations (sometimes referred to as repeaters).

Eliminating the power restriction on the eight Dockside frequencies, and thereby enabling the use of high-power repeater stations on the corresponding Emergency Road Service channels, would provide substantial public benefit. Repeater stations enable a licensee to overcome obstacles, such as hills, mountains and valleys, and to significantly expand the coverage area of its signal. As urban population centers move further into what were rural areas, increased coverage on these frequencies would be tremendously beneficial. Significantly, these benefits would be available not only to existing licensees on the Emergency Road Service channels, but to all potential users in the Industrial/Business Pool.

As the Commission is aware, in many parts of the country there is a severe shortage of private radio spectrum. Many auto clubs, for example, are at full capacity using the Emergency Road Service channels and now are using other channels in the Industrial/Business Pool. A primary goal of the Commission's Refarming proceeding was to expand the amount of available spectrum by making more efficient use of existing private radio spectrum. ^{4/} AAA's proposal here is

^{4/} See *Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Rules Governing Them*, Report and Order and Further Notice of Proposed Rulemaking, 10 FCC Rcd 10076, 10078 (1995) ("We

intended to achieve the same objective. By allowing high-power use of the eight Dockside channels, auto clubs and others in the Industrial/Business pool will be able to use these channels far more efficiently than they are used today.

AAA is not aware of any harm that would result from eliminating the power restriction on these channels. The 2-watt restriction may have been necessary when these channels were used exclusively in a dockside setting, but the restriction serves no useful purpose outside of that setting. As we show in the next section, designating AAA as the coordinator of these eight channels will ensure that no harm results to existing users of the Dockside channels as a result of eliminating the power restriction.

AAA's proposal essentially would codify a practice that a number of other frequency coordinators already have implemented, in apparent violation of Section 90.35(c)(60) of the Commission rules. In a search of the FCC's database on August 18, 1999, AAA discovered five licenses granted, and nine applications pending, for a single pair of frequencies (the 452.525 Emergency Road Service frequency and the 457.525 Dockside frequency). ^{5/} Given that AAA's search covered only five states, and only one of the eight pairs of frequencies at issue here, the improper assignment of the Dockside channels for high-power use appears to be widespread. By adopting AAA's proposal, the Commission would place all parties

seek, in this proceeding, to ensure the provision of essential private wireless services, and to provide marketplace incentives to enhance spectrum efficiency so as to satisfy PLMR demand well into the 21st century.”).

^{5/} The results of AAA's search are attached as Attachment B.

on equal footing in attempting to obtain licenses for paired high-power use of these frequencies.

II. THE COMMISSION SHOULD DESIGNATE AAA AS THE COORDINATOR OF THE EIGHT DOCKSIDE FREQUENCIES.

If the Commission adopts AAA's proposal to raise the power limits on eight of the Dockside channels that are paired with Emergency Road Service channels, AAA also requests that the Commission treat the eight Dockside channels for coordination purposes as if they were Emergency Road Service channels. Under this proposal, the eight frequencies would be identified with the "LA" symbol on the frequency table in Section 90.35(b), and AAA would be the exclusive coordinator of the eight frequencies. 6/

Designating AAA as the coordinator of these eight frequencies is necessary both to protect incumbents on the Dockside channels, and to prevent interference on the corresponding Emergency Road Service frequencies. When these channels are paired for use with mobile relay stations, the Emergency Road Service channel would become the repeater frequency, and the Dockside channel would be used for mobile units. Because the repeater frequency often is not adequately monitored for co-channel traffic, the repeater will cut in and out depending on when it receives communications from its associated mobile units. 7/

6/ *Second Memorandum Opinion* at ¶ 16.

7/ FCC rules require mobile relay stations to monitor for co-channel traffic so as not to cause harmful interference. 47 C.F.R. § 90.403(e). In practice, however, repeaters often are not programmed adequately to prevent interfering with other users that share the same frequency. On channels where there is a substantial

Depending on how active the repeater is, and they usually are very active, an existing user of an Emergency Road Service frequency that is sharing the frequency with a repeater may experience substantial interference. In the case of the Emergency Road Service frequencies, this interference means delays to AAA dispatching, and delays in providing assistance to motorists stranded because of accidents or other roadside emergencies.

Allowing the eight Dockside channels to be coordinated by any coordinator in the Industrial/Business pool increases the likelihood of interference on these channels. As discussed above, many coordinators have been assigning these frequencies already, without regard to the explicit restrictions contained in the FCC's rules. On a number of occasions, these assignments have caused problems for auto club licensees, who have been forced to challenge the assignment of the corresponding Emergency Road Service channel. ^{8/} Designating AAA as the coordinator of these eight Dockside channels would help to eliminate this type of problem in the future.

AAA's proposal would not prejudice any other party. Twenty-two of the thirty Dockside channels would remain available for general low power use, as proposed in the *Notice*. The eight frequencies that are the subject of AAA's request

amount of safety-related communications, the increased potential for interference caused by inadequate monitoring is unacceptable.

^{8/} Attached as Attachment C are pleadings from one case in which an auto club challenged the placement of an applicant on the Auto Emergency channel. The applicant in this case subsequently withdrew the application for both the Auto Emergency channel and the corresponding Dockside channel.

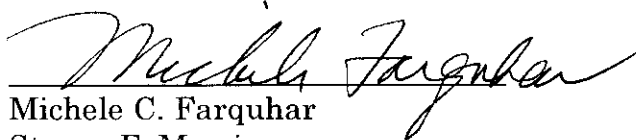
would remain available for general use in the Industrial/Business Pool and, as required under the Commission's Part 90 rules, these eight frequencies would be open to any eligible user in the pool. *See* 47 C.F.R. § 90.35. The existing grants, and pending applications, discovered by AAA suggest that there is widespread interest in these channels. Furthermore, as the sole coordinator of these frequencies, AAA could ensure through engineering transmitter contour analysis that new assignments do not interfere with existing cargo handling users.

III. CONCLUSION

For all the reasons explained above, AAA requests that the Commission eliminate the power restriction on the eight Dockside frequencies identified in Attachment A, and designate AAA as the coordinator of these eight channels.

Respectfully submitted,

**AMERICAN AUTOMOBILE
ASSOCIATION**



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August 26, 1999

ATTACHMENT A

Emergency Road Service Frequency	Dockside Frequency
452.525	457.525
452.53750	457.53750
452.550	457.550
452.56250	457.56250
452.575	457.575
452.58750	457.58750
452.600	457.600
452.61250	457.61250

ATTACHMENT B

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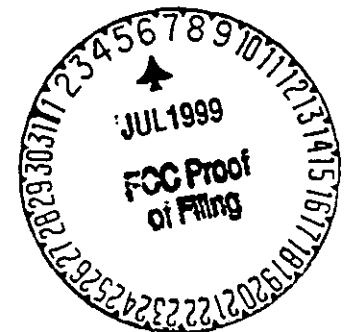
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DIRECTOR OF ENGINEERING
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WRITER'S DIRECT DIAL NO.

July 6, 1999

BY HAND DELIVERY

Mary Shultz, Chief
Licensing and Technical Analysis Branch
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1270 Fairfield Road
Gettysburg, PA 17325-7245



Re: RF Data, Inc.
Pending application for 452.5625 MHz and 452.6125 MHz
at Barstow, CA (N343638, W1171717)
File Number: D126220

Dear Ms. Shultz:

The Automobile Club of Southern California (ACSC), by its attorneys, respectfully requests that the Federal Communications Commission (FCC or Commission) dismiss the above-referenced application of RF Data, Inc. (RF Data). As demonstrated below, granting a license to RF Data would violate the Commission's rules, and would be adverse to the public interest.

As the Commission has previously been advised, ACSC is a not-for-profit organization responsible for providing emergency road services to approximately 4 million members in the southern portion of California. To ensure that ACSC will be able to provide reliable automobile emergency road services, it is essential that 452.5625 MHz and 452.6125 MHz remain free of interference and available to ACSC.

As demonstrated below, the licensing of the frequencies 452.5625 MHz and 452.6125 MHz to RF Data is not in the public interest because it: (1) gives rise to a violation of Rule Section 90.187(b), which requires applicants proposing trunked

operations to obtain a letter of concurrence from co-channel and adjacent channel users; (2) creates the problem of interference on auto club channels, which raises serious public safety concerns; (3) undermines the spectrum efficiency principle embodied in Section 90.35(e) of the Commission's rules, which limits the number of frequencies available to an applicant; and (4) presents the prospect that a regulatory scheme will be implemented which conflicts with Congressional intent. Moreover, because RF Data is seeking dozens of channels throughout the State of California, including a substantial number of frequencies in the former Automobile Emergency Radio Service (AERS) on which ACSC and other auto clubs rely, a grant of the above-referenced application would prevent the Commission from implementing rule changes proposed in PR Docket No. 92-235, thereby frustrating a key purpose in the rulemaking. Since the Commission is required, under Rule Section 1.971(a)(5) and Section 309(a) of the Communications Act of 1934, to make channel assignments based on a finding that the public interest will be served, the Commission should refrain from licensing RF Data on 452.5625 MHz and 452.6125 MHz.

I. *RF Data has failed to obtain concurrence from ACSC*

RF Data's application for a license to operate on 452.5625 MHz is defective and should be dismissed due to its failure to obtain a letter of concurrence from ACSC, a co-channel licensee, as required under the Commission's rules. Because RF Data has proposed a trunked system, and a bandwidth of 12.5 kHz (indicated by its request for the emission designator 11K2F3E), it is required under Rule Section 90.187(b) to obtain concurrence from any licensee operating a station which is 7.5 kHz or less removed from the requested frequency, whose service area intersects a 70 mile radius of its proposed operation. See 47 C.F.R. Sec. 90.187(b). ACSC has licensed, co-channel operations on 452.5625 MHz at Palmdale (WNBZ210), and Los Angeles (KB67194) California, which are 52.71 and 66.96 miles away from RF Data's proposed operations at Barstow, California. See the attached map showing overlap of ACSC's service area. Since RF Data did not obtain concurrence from ACSC, as required under the Commission's rules, the coordination of its application was defective and should be dismissed.

II. *Licensing RF Data on 452.5625 MHz and 452.6125 MHz raises serious safety issues*

ACSC has been providing emergency road services for nearly one hundred years. It is evident, based on the number of emergency calls received by ACSC, that the public has come to rely on these services. Over the course of a year, ACSC responds to over 3 million emergency road service calls from motorists experiencing a wide variety of problems, many of which endanger the safety of drivers and passengers. Such situations require immediate attention. For example, ACSC often assists motorists who have been stranded on the road where they are vulnerable to harm from high-speed vehicles, adverse weather conditions, or crime. Congress has recently found that one out of three highway fatalities occur when persons who exit a disabled vehicle are struck by passing cars. See H.R. Report No. 539, 106th Congress, 1st Session, Section 1(3) (February 3, 1999). See

also Washington Post article reporting on the death of a woman who was killed when she walked away from her car after a crash. April 26, 1999, p. B03 (Attachment B).

State and local public safety agencies have also come to rely on the public safety services performed by ACSC. To facilitate communications between ACSC and public safety agencies, the telephone numbers of ACSC's dispatch centers have been programmed into the public and highway patrol databases and speed dialing systems. Police departments, 911 operators, and other public service agencies regularly call ACSC for assistance because they know that ACSC has the equipment, expertise and most importantly, the ability to respond quickly in these situations. In the absence of a prompt response by ACSC, these government agencies would be compelled to devote their own resources to clearing such hazards.

Indeed, this ability to respond immediately in urgent situations is the key to providing reliable automobile emergency road services. For this reason, it is essential that the frequencies 452.5625 MHz and 452.6125 MHz remain useable for ACSC's operations.

III. *Licensing RF Data on 452.5625 MHz and 452.6125 MHz undermines the spectrum efficiency principle embodied in Rule Section 90.35(e)*

As noted in other petitions, RF Data has filed numerous applications for licenses to operate on dozens of channels throughout the State of California, and has indicated its plan to engage in private carrier operations. In addition, RF Data's President Tom Kurian appears to be affiliated with other entities which are separately licensed, or are separately seeking licenses to operate in California, and Nevada, at the same sites as RF Data. For example, according to the FCC's database, entities identified as "P. Kurian" and "K. Kurian" are separately seeking licenses to operate on dozens of channels, including former AERS channels, at Fresno, California (N370353, W1192500), under file numbers D117655 and D117658. Moreover, it appears that RF Data has filed several applications to operate at Good Springs, Nevada (N353704, W1152933), precisely where a closely affiliated entity known as "Pappammal K." or "Pappammal Kurian" is licensed to operate. ACSC is naturally concerned about RF Data's enterprising effort to acquire such a substantial amount of scarce public spectrum in its areas of operation, and fears that it may be compelled to compete for airtime with commercial customers or other high traffic operations which do not adhere to the efficient use procedures prescribed by the Commission and followed by ACSC. Section 90.123 of the Commission's Rules require that each application disclose the real parties in interest. There is no discussion in the referenced application concerning the relationship between RF Data, P. Kurian and K. Kurian, and their combined need for such a substantial amount of spectrum.

To ensure that spectrum assignments are fair and equitable, and to prevent the inefficient use of frequencies, the Commission has established limitations on the number of frequencies available to each applicant. Section 90.35(e) of the Commission's rules provides that "normally only one frequency, or pair of frequencies in the paired mode of operation, will be assigned for mobile service operations by a single applicant in a given

area. The assignment of an additional frequency or pair of frequencies will be made only upon a satisfactory showing of need..." 47 C.F.R. Sec. 90.35(e). RF Data's application for numerous frequencies, including frequencies which are intended for use by automobile clubs responding to critical auto emergency calls, does not appear to provide any unique justification for abandoning the spectrum efficiency principle embodied in Section 90.35(e).

IV. *The proposed license is inconsistent with Congress' recognition of the importance of auto emergency services*

More importantly, the licensing of RF Data on the frequencies 452.5625 MHz and 452.6125 MHz is inconsistent with Congress' recognition of AAA and its auto clubs as quasi-public safety entities. In the Conference Report accompanying the Balanced Budget Act of 1997, Congress explicitly recognized the important public safety role played by AAA auto clubs, noting that "the services offered by these entities protect the safety of life, health, or property and are not made commercially available to the public." H.R. Rep. No. 105-217, at 517 (1997). To ensure that auto clubs can continue to provide emergency road services to the public, Congress expressly exempted from the FCC's auction authority all licenses issued "for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations." Budget Act, Sec. 3002(a)(2)(A). Congress explained in the conference report that "[t]his service exemption also includes radio services used by not-for-profit organizations that offer emergency road services, such as the American Automobile Association. The Senate included this particular exemption in recognition of the valuable public safety service provided by emergency road services." H.R. Rep. No. 105-217, at 572 (1997). This language, which demonstrates Congress' intent to promote the types of public safety services offered by ACSC, supports our recommendation that RF Data be granted a license on more suitable frequencies.

To ensure that the Commission recognized this action by Congress, AAA formally requested that the Commission provide greater protection to the former Automobile Emergency Radio Service (AERS) frequencies in its Petition for Reconsideration in PR Docket 92-235 (as supplemented on September 5, 1997). In addition, AAA had asked that the Commission refrain from licensing non-auto club entities on the AERS channels by letter dated November 24, 1997.

In its Public Notice dated October 15, 1997 (DA 97-2208), the Commission acknowledged that the Balanced Budget Act, specifically Section 3002 (containing Congress' determination that the emergency road services constitute public safety services), may affect proceedings outside of the auction context. Moreover, on March 25, 1999, the Commission again recognized Congress' action and requested public comment on how to implement the mandated protections, including possible eligibility restrictions on the former AERS spectrum. In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Establishment of Public Service

Radio Pool in the Private Mobile Frequencies Below 800 MHz, *Notice of Proposed Rulemaking*, WT Docket No. 99-87, FCC 99-52, at paras. 34-35. More recently, the Commission confirmed that auto club operations warrant special protection and returned to AAA the exclusive authority to coordinate AERS frequencies. In the Matter of Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Memorandum Opinion and Order*, PR Docket No. 92-235 (rel. April 13, 1999). The Commission based its decision on the "...the imperative need for safety on the nation's highways and the importance that the Congress has placed on the role of emergency road services in the 1997 Balanced Budget Act..." *Id.* at para. 18. Considering this precedent, the Commission should refrain from licensing RF Data on frequencies used for auto club operations.

In light of the fact that RF Data's application, and applications by entities which appear to be closely affiliated with RF Data, propose use of a substantial number of former AERS channels throughout the State of California, a grant of this application would bypass the protections put into place by the Commission's April 13, 1999 *Second Memorandum Opinion and Order*, and would prejudice the Commission's proposal in WT Docket No. 99-87 to implement Congressionally mandated protections for auto club operations. This impact would be felt the most in California, a state which is dependent on its highway system (and therefore most in need of ACSC's services).

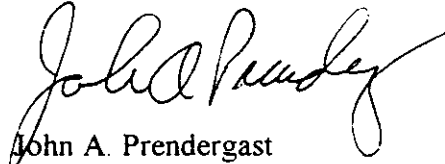
Conclusion

Considering RF Data's failure to obtain concurrence from ACSC, the public safety risks associated with granting RF Data's application, Congress' recognition of AAA and its auto clubs as quasi-public safety entities, and the Commission's obligation to make channel assignments based on a finding that the public interest will be served, the Commission should dismiss RF Data's application.

In light of the foregoing, ACSC respectfully requests that Commission action be consistent with the foregoing premises.

Respectfully submitted,

Automobile Club of Southern California

A handwritten signature in black ink, appearing to read "John A. Prendergast", written in a cursive style.

John A. Prendergast

Laura A. Otis

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Its Attorneys

cc: Dennis C. Brown

ATTACHMENT A

CURRENT MAP



ATTACHMENT B

1ST STORY of Focus printed in FULL format.

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April 26, 1999, Monday, Final Edition

SECTION: METRO; Pg. B03; METRO IN BRIEF

LENGTH: 1011 words

HEADLINE: METRO IN BRIEF

BODY:

MARYLAND

Woman Killed After Crash on Parkway

" An unidentified woman was killed when she walked into the traffic lanes of the Baltimore-Washington Parkway early yesterday, moments after the car she had been riding in crashed in the parkway median, U.S. Park Police said.

The incident occurred about 1:45 a.m., when the driver of a maroon Honda going south on the parkway, south of Route 175 in Anne Arundel County, lost control of the car and struck a tree in the parkway median, injuring both women in the car.

Police said one of the women was trapped in the car but the other was able to get out and was struck by a white Dodge sedan when she stepped into the travel lanes.

Neither of the two men in the Dodge was injured, police said.

The survivor in the Honda was flown by helicopter to the Maryland Shock Trauma Center in Baltimore. Both accidents were being investigated by the Park Police. Investigators ask anyone who may have witnessed the accident to call 202-690-5080 or 202-619-7310.

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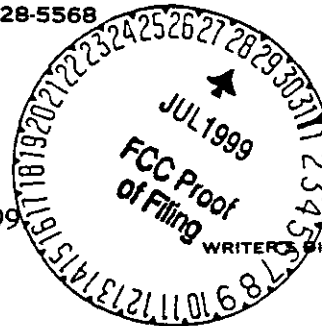
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July 28, 1999

BY HAND DELIVERY

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Re: RF Data, Inc.
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at Barstow, CA (N343638, W1171717)
File Number: D126220

Dear Ms. Shultz:

In response to the informal petition filed on behalf of the Automobile Club of Southern California (ACSC), RF Data, Inc. has deleted the frequencies 452/457.5625 MHz and 452/457.6125 MHz from the above-referenced application (see enclosed amendment). In light of this action, ACSC hereby withdraws its petition requesting dismissal of this application, to avoid the need for Commission action on this matter.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

John A. Prendergast
John A. Prendergast
Laura A. Otis
Counsel for Automobile Club
of Southern California

cc: Dennis C. Brown

Enclosure

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NOT ADMITTED IN VIRGINIA

July 19, 1999

Federal Communications Commission
1270 Fairfield Road
Gettysburg, Pennsylvania 17325

Re: Opposition to Informal Protest
RF Data, Inc.
Application File No. D126220

Gentlemen:

I represent the radio system interests of RF Data, Inc. before the Federal Communications Commission. On behalf of RF Data, Inc., I am hereby responding to the informal protest of RF Data's above referenced application filed by Automobile Club of Southern California (ACSC).

ACSC objected to the proposed use of 452/457.5625 MHz and 452/457.6125 MHz at Barstow, California by RF Data. As shown by the attached copy of an amendment to its application, RF Data is withdrawing its request for use of 452/457.5625 MHz and 452/457.6125 MHz at Barstow. According, RF Data respectfully requests that the Commission dismiss ACSC's informal protest as moot.

Respectfully submitted,



Dennis C. Brown

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RF Data, Inc.
3650 South Polaris, Suite 6
Las Vegas, Nevada 89103

Federal Communications Commission
1270 Fairfield Road
Gettysburg, Pennsylvania 17325


Re: FCC File # D 126220

Gentlemen:

RF Data, Inc., hereby amends its above referenced application for a new Industrial/Business-Trunked system at Barstow, California to delete its requests for use of 452/457.5625 MHz and 452/457.6125 MHz.

Thank you for your attention to this matter

Respectfully Submitted
RF Data, Inc.

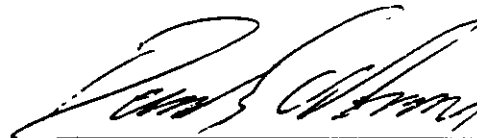
By 
Tom K. Kurian
President

Dated: July 12, 1999

CERTIFICATE OF SERVICE

I hereby certify that on this nineteenth day of July, 1999, I served a copy of the foregoing document on the following persons by placing a copy in the United States Mail, first-class postage prepaid:

John A. Prendergast, Esq.
Laura A. Otis, Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W., Suite 300
Washington, D.C. 20037

A handwritten signature in dark ink, appearing to read "Dennis C. Brown", is written over a horizontal line.

Dennis C. Brown